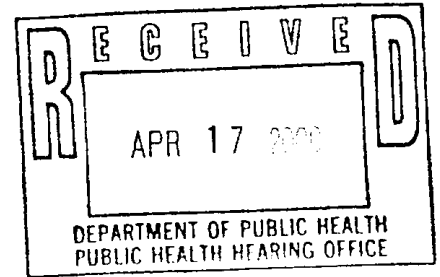


**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**



In re: Nina Incharidi

Petition No. 991213-042-002

CONSENT ORDER

WHEREAS, Nina Incharidi of Hatfield, Massachusetts (hereinafter "respondent") has been issued license number 000209 to practice as an asbestos consultant project monitor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about May 1999, respondent was the licensed asbestos consultant project monitor for an asbestos abatement project at 482 Wethersfield Avenue, Hartford, Connecticut (hereinafter "the property"). The asbestos abatement project consisted of the removal of approximately twenty square feet of asbestos boiler insulation from the basement area of a three story building on the property and a total of approximately 260 square feet of asbestos containing linoleum floor covering from two rooms on the first floor of the building on the property. The asbestos abatement project was performed in connection with the demolition of said building.
2. Respondent was hired to perform a final visual inspection of each asbestos abatement work area in the building on the property. In addition, respondent was hired to perform post abatement reoccupancy air sampling of each work area, as the owner intended to reoccupy the building prior to demolition.

3. Subsequently, on or about May 21, 1999, a Department investigator observed that respondent collected an insufficient number of air samples from the work areas on the first floor of the building. In addition, Respondent informed said investigator that she did not collect the air samples using an aggressive sampling method. Respondent also showed the investigator the location where she had inserted the air sampling apparatus through a polyethylene sheeting side wall of the contained work area, instead of entering the contained work area to take samples throughout the work area, at locations representative of the air entering the work area.
4. Respondent subsequently agreed to resample each of the work areas on the first floor of the building in accordance with applicable state and federal statutory and regulatory requirements.
5. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a of the General Statutes of Connecticut, taken in conjunction with the Regulations, Connecticut State Agencies (hereinafter “the Regulations”) §§19a-332a-1, 19a-332a-2, 19a-332a-12(c), 19a-332a-19 and 19a-332a-20(e). The Regulations were recently amended and unless otherwise noted, all references are to those Regulations in effect prior to June 4, 1999.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14, 19a-332a and 20-440 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, 19a-332a and 20-440 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall pay a civil penalty of two thousand dollars (\$2,000.00) in accordance with the payment schedule identified in the table below. Respondent shall pay each payment by certified or cashier's check payable to "Treasurer, State of Connecticut." Each check shall reference the Petition Number on the face of the check, and shall be payable on or before the time specified in the table below.

<u>Installment No.</u>	<u>Amount Due</u>	<u>Date Due</u>
No. 1	\$1,000.00	At the time respondent submits the executed Consent Order to the Department.
No. 2	\$500.00	May 31, 2000
No. 3	\$500.00	June 30, 2000

3. Respondent's license number 000209 to practice as an asbestos consultant project monitor shall be suspended for a period of thirty (30) days.
4. Concurrently, respondent's license shall be placed on probation under the following terms and conditions:
 - a. Respondent's license shall be placed on probation until such time as she pays in full the civil penalty of two thousand dollars (\$2,000.00) provided for in paragraph 2 above.
5. All correspondence and payments are to be directed to:

Ronald Skomro, Supervising Environmental Sanitarian
Department of Public Health
Indoor Air Program
410 Capitol Avenue, MS #51AIR
P.O. Box 340308
Hartford, CT 06134-0308

6. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Department.
10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
11. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
12. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which her compliance with this Consent Order or with Chapter 400a or §19a-332a of the General Statutes of Connecticut, as amended, is at issue.
13. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
14. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
15. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

16. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
17. Respondent has the right to consult with an attorney prior to signing this document.

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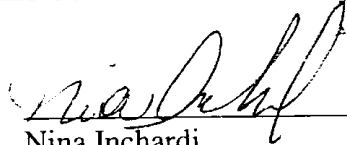
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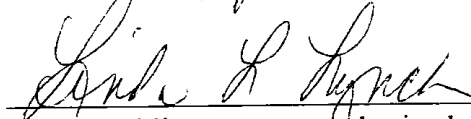
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I, Nina Incharidi, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

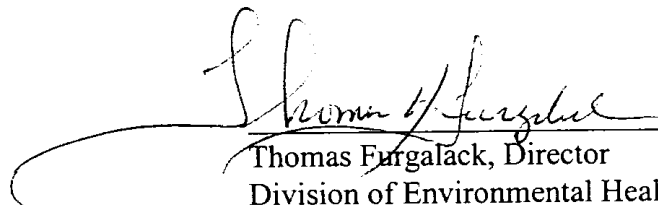

Nina Incharidi

Subscribed and sworn to before me this 17th day of April 2000.

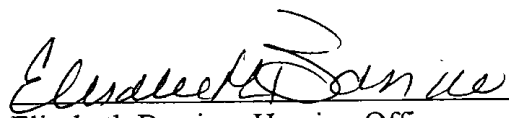
LINDA L. LYNCH
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2005


Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 17th day of
April 2000, it is hereby accepted.


Thomas Furgalack, Director
Division of Environmental Health

The above Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 17th day of
April 2000, it is hereby ordered and accepted.


Elisabeth Borrino, Hearing Officer
Public Health Hearing Office